IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO. 12454 of 2004

Between:

D.N.Mishra, S/o R.D.Mishra
R/o CISF Unit, HWP, Manugur, Khammam District

... PETITIONER

AND

1 The Deputy Commandant, Central Industrial Security Force Unit,
Heavy Water Plant (HWP), Manugur, Aswapuram Post, Khammam District
2 The Director General, Central Industrial Security Force,
Block No.13, CGO Complex, Lodhi Road, New Delhi

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in refusing to forward the representation, dated 12-1-2004 to the 2nd respondent is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and consequently direct the first respondent to forward the representation, dated 12-1-2004 for passing appropriate orders and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: Mr.J.M.NAIDU

Counsel for the Respondents No.1 and 2: Mr.A.RAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage made the following :

Oral Order:

The petitioner is working as a Head Constable in CISF Unit, HWP, Manugur, Khammam District. In a disciplinary action, on 15-3-1977 he was imposed a punishment of withholding increment for a period of five (05) years with cumulative effect. In pursuance of the orders of this Court in W.P.No.10299 of 1988 dated 20-11-1992, W.P.No.15251 of 2001 dated 05-12-2003 and W.P.No.5001 of 2002 he made a representation to the second respondent through the first respondent to consider his case also on similar lines as that of the petitioners in W.P.Nos.10299 of 1988, 15251 of 2001 and 5001 of 2002. The grievance of the petitioner is that the first respondent instead of forwarding the representation to the second respondent returned the same on the ground that an appeal viz., W.A.No.828 of 2004 against the order passed by the High Court in W.P.No.15251 of 2001 was pending.

The learned counsel for the petitioner submitted that a Division Bench of this Court dismissed W.A.No.828 of 2004 on 28-6-2004, therefore, the first respondent may be directed to forward the representation of the petitioner to the second respondent to pass appropriate orders, keeping in view the orders of this Court in W.P.Nos.10299 of 1988, 15251 of 2001 and 5001 of 2002.

In the light of the circumstances explained by the learned counsel for the petitioner, the writ petition is disposed of directing the petitioner to re-present his representation to the first respondent and the first respondent on receipt of such a representation from the petitioner shall forward the same to the second respondent for passing appropriate orders, keeping in view the orders of this Court in W.P.Nos.10229 of 1988, 15251 of 2001 and 5001 of 2002.

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(Dr.G. Yethirajulu, J)

27th July 2004

svs

... ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Deputy Commandant, Central Industrial Security Force Unit,
Heavy Water Plant (HWP), Manugur, Aswapuram Post, Khammam District

2 The Director General, Central Industrial Security Force,
Block No.13, CGO Complex, Lodhi Road, New Delhi

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